



Rehistoricizing the Nile Waters Agreement, 1948–1963

The view from the British Colonial Office and its afterlife

John Doyle-Raso*

**Alumnus of Michigan State University, Department of History*
E-mail: doyleras@msu.edu

Abstract

This article examines the final years of colonialism and the establishment of independent government in East Africa, particularly Uganda. It finds that the British broke from the Nile Waters Agreement by not only ceasing to recognize it but by also circumventing the process for ensuring treaty compliance. They did so on behalf of foreign investors seeking irrigation water. Furthermore, this article shows why the colonial government in Uganda integrated the proposal to flood Lake Albert – which would displace many Ugandans – into discussions about the treaty. The government based this decision on Cold War politics, the personal biases of its advisers and technocratic designs for resettling the region. To contextualize the lack of scholarly analysis regarding these issues, this article examines how former colonial officials became diplomats, then scholars, who downplayed their treaty breakage and their roles supporting the proposal to flood Lake Albert. Providing further context for the lack of analysis regarding Uganda, it shows how the independent Ugandan government navigated the ambiguous situation that the British left. It also finds that scholars have reproduced the Lake Albert proposal without considering its local significance. I conclude that although the colonial breakage from the Nile Waters Agreement left the independent governments with no relationship to it, the present role of the Ugandan government in Nile governance is part of a resurgence of foreign investments in East Africa. Outsider control of Lake Victoria is becoming entrenched even as the influence of the Nile Waters Agreement wanes.

Abbreviations

CFA	Cooperative Framework Agreement
CO	Colonial Office
DUSC-SAD	Durham University Special Collections, Sudan Archive
Gibb	Sir Alexander Gibb & Partners
FO	Foreign Office
JIT	Jonglei Investigation Team
NWA	Nile Waters Agreement
PJTC	Permanent Joint Technical Commission
UKNA	United Kingdom National Archives
UNA	Uganda National Archives

Keywords: colonialism, Development Studies, flooding, foreign investments, irrigation, postcolonialism, state succession

Please cite as: Doyle-Raso, J. (2022). Rehistoricizing the Nile Waters Agreement, 1948–1963. The view from the British Colonial Office and its afterlife. *International Journal of Water Governance* 9, 9–32.

1. Introduction

The 1929 Nile Waters Agreement (NWA) between Britain and Egypt was the first quantification of British claims to water from the basin. It ceded all water to Egypt minus some for Sudan, which was under British control. Kenya, Tanganyika and Uganda were also British territories, but the NWA did not allow them to use the Nile headwaters at Lake Victoria for irrigation projects (it allowed them only household usage). Since independence in East Africa, the governments in the Nile basin have debated irrigation on the premise that the NWA stayed intact under the British. The Egyptian government has supported the NWA with the strongest economy, military and outside alliances of any country in the basin; the East African governments have critiqued the practice of enforcing colonial treaties. However, previously unexamined records show that the British not only ceased recognizing the NWA but also irrigated with Lake Victoria waters by circumventing the system for ensuring treaty compliance.

This article challenges a fundamental premise in the debate about irrigation in the Nile basin – the idea that the colonial governments in East Africa remained adherent to the NWA – and examines how former officials downplayed their breakage from the treaty. It focuses on advisers to the colonial government in Uganda who transitioned into postcolonial developmentalist networks, particularly Paul Philip Howell. By 1960, the British Colonial Office (CO) called Howell ‘our greatest living expert’ regarding the Nile.¹ Howell and other officials in late colonial Uganda coordinated the work of advisers around Lake Victoria and channelled communications between downstream and upstream advisers. In a period when coups, revolutions and war limited the networking of most officials, those in Uganda were privy to many aspects of Nile governance. Following independence, they joined the diplomats of the Foreign Office (FO) defending London’s interests in the Nile and elsewhere. Afterwards, they produced scholarship informing the orthodox narrative about Nile governance. Analysing their work reveals that Howell’s 1994 account of this period has important omissions.

In addition to irrigation, these omissions concern a proposal that Howell integrated into the colonial push to redivide the waters of the Nile: flooding Lake Albert in north-western Uganda. The proposal would displace tens of thousands of people in north-western Uganda yet offer flood protection to people in southern Sudan, where Howell began his career. After Howell became an adviser in Uganda he hired a former Sudan colleague, J.V. Sutcliffe, and they convinced the government to authorize maximal flooding at Lake Albert. Scholars reproduce the proposal uncritically (Moges & Gebremichael, 2014, p. 354; Waterbury, 1987, p. 101, 2002, p. 164; Whittington et al., 2005, p. 228). Sutcliffe also contributed to an influential volume that Howell edited (Howell & Allan, 1994).² Analysing

¹ J.W. Stacpoule to W.B.L. Monson, 1 September 1960, United Kingdom National Archives, Colonial Office (UKNA-CO) 822/2202, minute regarding folio 40.

² One of the foremost publications regarding the Nile by former colonial officials, this volume (Howell & Allan, 1994) had 149 citations by 20 February 2022, according to Google Scholar (https://scholar.google.com/scolar?cites=14249429538027649586&as_sdt=2005&scioldt=0,5&hl=en).

the work of former officials challenges the orthodox narrative about irrigation and reveals why the colonial government in Uganda authorized the flooding of Lake Albert.

In the postcolonial era, beyond former colonial officials narrating the transition to independence with omissions, ambiguity has characterized much of Nile governance. This is partly because of gaps in historical knowledge and the challenge of quantifying the water in the Lake Victoria basin. In 2010, the governments of Ethiopia, Kenya, Rwanda, Tanzania (successor to Tanganyika) and Uganda clarified some of this ambiguity by declaring their intention to use Nile waters in the Cooperative Framework Agreement (CFA) – ‘also referred to as the “Entebbe Treaty” or “Entebbe Agreement”’ referencing the Ugandan city in which they signed it (Salman, 2018, p. 26). The CFA outlined the national interests influencing the present situation, but not what happened during the transition to independence.

Analysing the activities of colonial advisers from 1948 to 1963 contributes to the debate about the NWA and state succession in East Africa. Scholars deploy the concepts of universal succession (that the independent governments inherited all treaties signed by their predecessors), *tabula rasa* (that they inherited no treaties) and the Nyerere Doctrine (that they could recognize or reject colonial treaties individually) (Brunnée & Toope, 2002; Knobelsdorf, 2006; McCaffrey, 2001; Okidi, 1980; Okoth-Owiro, 2004).³ This article posits that these concepts do not apply to the Nile in East Africa because the colonial governments broke from the NWA, leaving the independent governments with no relationship to the treaty.

Scholarship about the careers of former colonial officials after independence quantifies career trends (Hodge, 2010; Kirk-Greene, 2001), compares colonial and postcolonial discourses of development (Biccum, 2005; Cooke, 2003; Hodge, 2007, pp. 254–276; Kothari, 2006a, 2006b) and analyses the work of specific former officials in postcolonial developmentalist networks (Hodge, 2007, pp. 254–276; Kothari, 2005, 2019). The latter approach offers examples of advisers who worked in the same places in the colonial and postcolonial eras, including rural planners in Kenya who ascended the World Bank hierarchy (Hodge, 2010, pp. 33–39) and a town planner who oscillated between Britain and Nigeria (Craggs & Neate, 2017). However, scholars say little about how these geographical continuities have impacted the places in question. This article historicizes scholarship by former colonial officials regarding the region in which they worked, revealing their influence on the orthodox narrative about the transition from colonialism. It begins by analysing scholarship about Uganda in Nile governance. It then rehistoricizes the period 1948–1963. The conclusion connects this rehistoricization to the present, arguing that the independent governments have no connection to the NWA, that scholars should question resettlement proposals regarding Lake Albert, and that the present role of the Ugandan government in Nile governance represents continued outsider control of Lake Victoria.

³ Julius Nyerere, the first prime minister of Tanganyika, formulated the latter concept in 1962 by saying his country reserved this right in relation to each colonial treaty. The Ugandan government adopted this position soon after independence.

2. Uganda and the Nile: Historical accounts, international relations and legal analyses

Uganda's geographical characteristics, colonial history and independent government have made it integral in Nile governance. Among the Nile countries, Uganda has the highest proportion of its area in the basin (99.5%) and had the highest proportion of its population there (98.8%) until South Sudan gained independence in 2011 (Onencan & Van de Walle, 2018, p. 12). Furthermore, Uganda has a key position upstream of some states yet downstream of others. Sources documenting the role of Uganda in Nile governance include CO records, personal papers from Howell and other advisers, and Cabinet Minutes from Prime Minister Milton Obote's first administration. CO records and personal papers detail colonial approaches to questions about irrigating with Lake Victoria and flooding Lake Albert. Obote's Cabinet Minutes note decision-making during the establishment of independent government policy.

However, scholarship about Nile governance focuses on Egyptian-Sudanese relationships. Aside from an account of engineer Charles Westlake's thoughts about damming the Victoria Nile (which is in Uganda) (Hoag, 2013, pp. 157–159), this scholarship primarily represents the colonial governments via their governors (Collins, 1990; Tvedt, 2004; Waterbury, 1979). Scholars analyse Howell's work in southern Sudan (Collins, 1990, pp. 227–246) and his catalogue of the 'second careers' of his former Sudan colleagues (Kirk-Greene, 2000, p. 269), yet offer less attention to his own subsequent career. After Howell left Sudan in the transition to Sudanese independence, the colonial government in Uganda hired him from 1955 until 1961, shortly before its own dissolution.⁴ He then transferred to the Development Division of the FO's British Middle East Office. Lastly, he worked in Development Studies at the University of Cambridge.⁵ In 1994, at a service in the prestigious St. Paul's Cathedral in London (Deng, 1994, p. 71), a colleague eulogized him as someone with a 'rare – even ruthless – streak of competitiveness'.⁶ Howell's time in southern Sudan and his persistent personality influenced his approach in Uganda, which in turn also shaped his work in the FO and then in Development Studies.

Analysing the roles of CO advisers in Uganda shows how colonial governments in East Africa approached Nile governance, revealing the significance of overlooked downstream-upstream relations. Heather Hoag (2013, pp. 147–167) analyses debate within the CO about whether to dam the Victoria Nile, but her narrative ends before 1948, when work on the dam began impacting downstream-upstream relations. Terje Tvedt (2004, pp. 189–318) analyses downstream-upstream relations during this period using records from the diplomats in the FO – but not the resource managers in the CO. Tvedt (2004, pp. 213–215) narrates a conflict between the CO challenging the NWA, and the FO working as the 'mediator' to maintain Anglo-Egyptian relations. However, CO records reveal

⁴ Paul Philip Howell to Bruce Roy McKenzie, 18 March 1961, UKNA-CO 822/2202/36/enclosure.

⁵ 'CV of P.P Howell', Durham University Special Collections, Sudan Archive ('DUSC-SAD'). 80/1/19-21.

⁶ Unattributed, 6 May 1994, DUSC-SAD.80/1/68-69.

CO-FO collaboration. Furthermore, to begin irrigation, CO officials in Uganda bypassed the FO via ‘unofficial’ communications with downstream advisers.

Initially, CO officials limited each irrigation permit to one cubic foot of water per second, or ‘cusec’.⁷ This is a small, round number without specific reference in the NWA, albeit of a different magnitude than Sudan’s total allocation of 126 cubic metres per second.⁸ Previously, FO officials had objected to other projects, including a 1.19-cusec sugar plantation in Tanganyika, which proceeded only after alterations to avoid using Nile waters.⁹ Yet after circumventing the FO, CO officials did not limit the number of permits – leaving investors as the limiting factor on irrigation in East Africa. CO officials approved projects by a growing number of investors, including an 85-cusec permit for Kakira Sugar Estate in Uganda.¹⁰ (CO records mention no unofficial communications about this permit but do not disqualify the possibility that they happened.) The colonial governments issued permits after circumventing the system for ensuring treaty compliance, which had in previous years stopped comparable proposals. Moreover, they expanded irrigation beyond the limit they set unofficially.

Pursuant to the dearth of historical analysis about Nile governance in Uganda, until the 2010 CFA or ‘Entebbe Treaty’, scholars did not even agree whether the Ugandan government recognized or rejected the NWA. Soon after independence, the government said that treaties signed by the British would lapse unless renewed by 31 December 1963 (Mulira, 2010, p. 155). They never renewed the NWA. Meanwhile, the 1949 Owen Falls Dam Agreement, on which independent Uganda relies to generate hydroelectricity via the Victoria Nile, says they cannot use the dam in ways that would contravene the NWA.¹¹ Before the CFA, scholars offered two mutually exclusive interpretations of this ambiguity. Some indicated that Uganda recognized the NWA (Degefu, 2003, p. 339; Godana, 1985, p. 153; Knobelsdorf, 2006, p. 634; Okoth, 2007; Tvedt, 2010, p. 10; Waterbury, 1987, p. 96). Others claimed that Uganda rejected it (Kasimbazi, 2010, p. 727; McCaffrey, 2001, pp. 245–246; Mutiti, 1976, p. 23; Ntambirweki, 1996, p. 20). The Uganda National Archives document Obote’s cabinet using ambiguous silence to navigate relations with the downstream governments and international development agencies.

Amidst the pre-CFA ambiguity, scholars debated Uganda’s approach. John Waterbury (2002, pp. 150–165, 172) argued that Uganda’s main interest in the Nile is hydroelectricity (which increases by maximizing discharge at Owen Falls, i.e., minimizing irrigation via Lake Victoria), making it ‘Egypt’s unwilling ally’. James Mulira (2010, pp. 155–156)

⁷ Jack K. Edwards to Howell, 17 May 1960, UKNA-CO 822/2202/27.

⁸ ‘Exchange of Notes between Her Majesty’s Government in the United Kingdom and the Egyptian Government on the Use of Waters of the Nile for Irrigation’, 7 May 1929, Article 3, https://www.internationalwater-law.org/documents/regionaldocs/Egypt_UK_Nile_Agreement-1929.html.

⁹ Foreign Office to the Chancery, 15 October 1956, UKNA-CO 822/884/17.

¹⁰ D.C. Muirhead, ‘Permit to Take and Use Water’, 15 September 1961, Uganda National Archives (UNA), Jinja District Archives – Agriculture 11/12/95/enclosure: p. 1.

¹¹ In 2001, the Ugandan government renamed the dam Nalubaale Power Station (Uganda Electricity Generation Company Limited, ‘Nalubaale Power Station’, Retrieved from 12 February 2022, <https://www.uegcl.com/power-plants/nalubaale-power-station/>).

analysed statements by Ugandan Members of Parliament, journalists and academics. Mulira called it ‘doubtful’ that Uganda and Egypt were allies. In 2010, Uganda hosted the signing of the CFA against Egyptian objections. The conclusion of this article identifies the growing influence of the Ugandan government in Nile governance as part of the neo-liberalization of the country through foreign investments.

Furthermore, examining CO records from the discussion about redividing the Nile reveals why the government in Uganda initially opposed, then accepted, the proposal to flood Lake Albert. Robert Collins (1990, p. 217) cites an official in Sudan to argue that opposition in Uganda was based on oil. However, CO records from Uganda regarding the Nile mention Lake Albert oil once: an advocate of the proposal argued that although ‘oil in commercial quantities may be found’, flooding was worthwhile.¹² Additionally, Collins does not explain why the government in Uganda changed its position. Colonial records show that the movement of officials from southern Sudan to Uganda – and later into Development Studies – generated support for a proposal that is contrary to the interests of many Ugandans.

3. Targeting the NWA, 1948–1956: The Owen Falls Dam and the 1952 ‘Modifications’

The British started breaking from the NWA through discussions about the construction of the Owen Falls Dam on the Victoria Nile, the only outflow from Lake Victoria. To store water in Lake Victoria for release during droughts downstream, Egypt paid to build the dam taller than the production of hydroelectricity required. This would flood the lakeshore. Advisers in East Africa, starting in Uganda, noted that Egypt was also proposing to build infrastructure in Sudan for its own benefit – and that therefore, in 1952, Egypt accorded Sudan additional irrigation water through ‘Modifications of the Nile Waters Agreement’. The top Nile adviser in Uganda before Howell, Charles George Hawes, told officials in Kenya and Tanganyika that the Owen Falls Dam was comparable to Egypt’s infrastructure in Sudan because it would flood upstream lands for downstream benefit. The upstream governments began stalling the compensation survey regarding the flooding until the downstream governments agreed to redivide the Nile. Because the government in Sudan based its successful push for more water on calculations by the firm Sir Alexander Gibb & Partners (Gibb), officials in East Africa hired them to determine irrigation requirements upstream. These were published in 1956 and became foundational to irrigation by the colonial governments (see next section). Officials in East Africa began contesting the NWA by using the Owen Falls Dam as leverage and the 1952 modifications as precedent.

Work on the dam followed the Westlake Report of 1947, which advocated for the construction of large-scale projects across East Africa, including the long-standing

¹² J.V. Sutcliffe, C.D. Ollier, and G. Shannon, March 1957, ‘The Equatorial Nile Project and the Nile Waters Agreement of 1929, vol. II: The Upstream Effects of the Proposed Mutir Dam in the Albert Nile: A Reconnaissance Survey’, UKNA-CO 822/1412/unnumbered: p. 23. All UKNA-CO folders related to oil extraction in Lake Albert dated prior to 1953 (i.e. before officials in Uganda debated the lake in relation to the NWA).

proposal to generate hydroelectricity using the Victoria Nile (Hoag, 2013, pp. 149–162). The government in Uganda hired Hawes (a private consultant with experience as a colonial official in the Indus Valley) to negotiate with Mohammed Amin (Technical Adviser to the Egyptian Ministry of Public Works) about damming the Nile. Egypt wanted to incorporate the dam into its ‘Century Storage Scheme’: a proposed set of reservoirs that would enable the country to weather once-in-a-century droughts. The dam was for the government in Uganda but could also flood Lake Victoria for downstream benefit.

In 1948, Hawes and Amin reached a provisional agreement about flooding – an agreement Hawes and other British officials soon undermined. In 1949, the governments in East Africa met to discuss compensation for flooding. Officials representing Kenya and Tanganyika agreed to the process that Amin and Hawes created for the compensation survey.¹³ Their approval was required because the people and land to be impacted by flooding were, as the Governor of Uganda acknowledged, ‘largely in Kenya and Tanganyika’.¹⁴ However, the governments in Kenya and Tanganyika soon revoked their approval until the downstream governments agreed to redivide the Nile. According to the CO in London, ‘on the question of establishing the claims of the East African territories to a fair share of the lake water, the initiative was in fact taken by Brigadier Hawes in the course of his technical discussions with the Egyptian representatives and not primarily at the instance of the Governments concerned’.¹⁵ Continuing a history of technical advisers reshaping Nile governance (Collins, 1990; Mitchell, 2004; Waterbury, 1979), Hawes – a hydrologist in the employ of Uganda – was the first influential adviser to identify the dam as a political opportunity for Kenya and Tanganyika.

At a meeting in 1953, the governments in Kenya and Tanganyika revoked their approval. F.W. Cavendish-Bentinck, the Member for Agriculture and Natural Resources of the legislature in Kenya, made opening remarks that became the only individual address appended to the official minutes of the meeting. He said, ‘We shall probably have to insist on protection rather than compensation for land’ before accepting ‘this Uganda-Egypt-East African General Nile Scheme’. However, he did not oppose the proposal outright, arguing that ‘this is the opportunity, once and for all, to treat the Nile not as something purely for the benefit of Egypt’ and claim irrigation water in East Africa.¹⁶ The delegations representing Tanganyika and the East Africa High Commission endorsed Cavendish-Bentinck’s address.¹⁷ (The Governor of Tanganyika later echoed the finality evoked by the address, insisting to the CO in London that ‘we have got a last chance to

¹³ 5 March 1956, ‘The Use of Lake Victoria as a Storage Reservoir: Summary of the Principle Events Leading Up to the Present Position’, UKNA-CO 822/880/191/enclosure: p. 1.

¹⁴ John Hathorn Hall to James Griffiths, 15 February 1951, UKNA-CO 822/879/23.

¹⁵ Mary L.S. Fisher, 5 May 1954, UKNA-CO 822/879, minute regarding folio 15.

¹⁶ 15 September 1953, ‘Opening Statement Made by Major the Honourable F.W. Cavendish-Bentinck, C.M.G., M.C., Member for Agriculture and Natural Resources, Kenya, on Behalf of the Kenya Delegation’, UKNA-CO 822/879/23: pp. 30–32.

¹⁷ 15–16 September 1953, ‘Record of Inter-Territorial Meeting Held on the 15th and 16th September 1953, in Entebbe’, UKNA-CO 822/879/23: p. 18.

insist on a revision' of the NWA.¹⁸) The government in Uganda agreed to use the dam as leverage for redividing the Nile.¹⁹

To officials in East Africa, redividing the Nile seemed attainable because of the 1952 modifications by Egypt and Sudan.²⁰ Perhaps the only public English-language government record of the modifications is a summary of documents from Sudan published by Egyptian legal scholars (1953). Neither downstream government drew attention to it while revising the NWA among themselves in the late 1950s. One scholar (Pompe, 1958, p. 282) noted Egypt's silence, suggesting that the 1952 modifications benefited Sudan because of the additional water it afforded them. Conversely, another (Batstone, 1959, pp. 539–540) argued that the modifications undermined Sudan's case because they meant that Egypt had already addressed irrigation concerns. While the downstream governments were drawing little attention to the 1952 modifications, advisers upstream were highlighting them to propose redividing the Nile – initiating a debate that continues today.

Additionally, officials in East Africa gave another Nile-related consulting contract to Gibb. The colonial government in Sudan had based its case regarding the 1952 modifications on a survey by Gibb, including specific statements of irrigation requirements. Officials in East Africa hired Gibb for their Water Resource Surveys, thinking 'a report by them will probably be more readily acceptable to Egypt'.²¹ They replicated Sudan's approach to Gibb data in crafting their own claim.²² Gibb began developing a foothold in Nile governance based on the 1952 modifications.

Despite their shared interest in redividing the Nile and their joint access to Gibb, the governments in East Africa had unequal power to challenge the NWA. The Member for Lands and Mines of the legislature in Tanganyika wrote that Africans there critiqued their legal inability to 'take "even a cupful [of water]," as it is popularly put'.²³ However, Uganda had East Africa's main bargaining factors, controlling not only the Owen Falls Dam but also most of the Lake Albert basin, which Egypt and Sudan considered superior to Lake Victoria for storage. CO officials in London prioritized the government in Uganda, asserting that they had 'the major interest in this question from our point of view'.²⁴ Officials in Uganda took the lead in framing these discussions around their own interests (Fig. 1).

In 1955, the power differential among the governments in East Africa increased when the government in Uganda hired Howell. (Howell continued to produce data and participate in international talks until 1957, when he left Uganda for a contract in Chile.²⁵)

¹⁸ Edward Twining to William Gorrell-Barnes, 31 May 1954, UKNA, CO 822/879/15.

¹⁹ 'Record of Inter-Territorial Meeting Held on the 15th and 16th September 1953, in Entebbe', pp. 23–24.

²⁰ J.H. Robertson, 6 December 1954, UKNA-CO 822/879, minute regarding folio 23.

²¹ Andrew Cohen to Alan Lennox-Boyd, 19 November 1954, UKNA-CO 822/879/23: p. 6.

²² Howell to William A.C. Mathieson, 5 March 1956, UKNA-CO 822/880/178.

²³ C. Mace to Mathieson, 16 April 1956, UKNA-CO 822/881/214.

²⁴ J.S. Rednall to John F.S. Phillips, FO, 20 April 1956, UKNA-CO 822/881/209.

²⁵ 25 June 1957, 'Note of a Meeting on Nile Waters held in the Colonial Office', UKNA-CO 822/1413/109: p. 2.



Figure 1. 'Howell in Sudan Political Service Uniform', 1940s. Source: Durham University Special Collections, Sudan Archive 390/3/2 (Reproduced by permission of Durham University Library).

Until then, southern Sudan had defined Howell's career. In 1937, as an undergraduate student at Cambridge, he did anthropological research in southern Sudan.²⁶ In 1938, he became a district official there.²⁷ From 1948 to 1954 he chaired two research projects regarding Nile development: the Jonglei Investigation Team ('JIT') and its successor, the Southern Development Investigation Team (Collins, 1990, pp. 227–246). While there, he obtained a doctorate in anthropology from the University of Oxford (Howell, 1950). In 1953 he wrote 'I am no great believer in the wandering "expert"'.²⁸ Despite wanting to stay, he left in 1954 when a Sudanese adviser replaced him in the transition to independence.²⁹

Howell's influence became clear within months of arriving in Uganda, as the locus of the discussion about storage shifted from Lake Victoria to Lake Albert. Egypt preferred storage in Lake Albert, which would enable faster drought relief because it is closer to them. Storage in Lake Albert would also provide southern Sudan with flood protection. (This flood protection gave the proposal an afterlife beyond the completion of the Aswan

²⁶ 'Background and Beginnings', DUSC-SAD.769/5/2-18.

²⁷ Ibid., 'CV of P.P. Howell', DUSC-SAD.80/1/19-21.

²⁸ Howell to A.C. Beaton, 15 June 1953, DUSC-SAD.768/9/96.

²⁹ Howell to Beaton, 25 March 1953, DUSC-SAD.768/8/78. H.F. Wyatt to Howell, 1 September 1954, DUSC-SAD.71/3/4.

High Dam in 1970, which ended Egypt's interest in storage upstream.) Hawes brought the proposal to the government in Uganda. They wrote to the CO in London rejecting it.³⁰ However, Howell told London that 'Egypt suspects [...] we propose to use the Lake Victoria Compensation Survey as a lever [...] In fact [...] we can scarcely do this – though Kenya and Tanganyika would like to – since the principles of storage in Lake Victoria have been formally agreed [...] It is on the Lake Albert issue that we shall make our stand'.³¹ Howell reoriented the discussion about the NWA towards the question of which lake to use as a reservoir.

4. Restrategizing against the NWA, 1956–1959: Lake Albert and 'East Africa's Case'

While the governments of Egypt and Sudan promoted storage in Lake Albert for drought relief and flood protection, respectively, the government of Uganda preferred Lake Victoria because its level would rise less owing to its larger surface area. Despite the opposition of the government of Uganda, Howell informed London that East Africa would negotiate based on Lake Albert. Howell's formal role as adviser to the government in Uganda, his informal role organizing advisers in East Africa and the perspective he gained during sixteen years in southern Sudan came into tension. The government in Uganda soon authorized Howell's preferred option: flooding Lake Albert up to 25 m as measured with a gauge at the harbour town of Butiaba.³² Following Sudanese independence – and in the wake of the Suez War, when Britain, France and Israel invaded Egypt – the governments in East Africa and London soon supported this position. The British hoped to ally with independent Sudan in pressuring Egypt to redivide the Nile. They created a document summarizing their position regarding Lake Albert and irrigation, 'The Equatorial Nile Project and the Nile Waters Agreement of 1929: East Africa's Case'.³³ However, plans for British-Sudanese alignment ended after the 1958 coup in Sudan, which allied its government with Egypt (Collins, 1990, pp. 259–264; Tvedt, 2010, p. 6). The British continued contesting the NWA regardless.

While in southern Sudan, Howell had already advocated flooding Butiaba up to 25 m. His goal contrasted with the provisional agreement that officials in Sudan and Uganda reached in 1948 to flood Butiaba up to 18.5 m.³⁴ In the final report of the JIT, Howell called a limit of 18.5 m at Butiaba 'totally inadequate' for flood protection in southern

³⁰ Colin H. Thornley to Mathieson, 5 June 1955, UKNA-CO 822/879/56.

³¹ Howell to Mathieson, 21 December 1955, UKNA-CO 822/880/138.

³² 1 December 1956, 'The Equatorial Nile Project and the Nile Waters Agreement of 1929: Uganda's Case', UKNA-CO 822/1412/unnumbered: p. 11.

³³ 'Second Meeting of the East African Nile Waters Co-Ordinating Committee Held at the Colonial Office on Wednesday 23rd May 1957', UKNA-CO 822/1413/89.

³⁴ Howell, 1 March 1957, 'Foreword', in 'The Equatorial Nile Project and the Nile Waters Agreement of 1929, vol. II', p. ii.

Sudan.³⁵ Perhaps this contributed to Howell telling CO officials in London that East Africa would make its stand on Lake Albert even after the government in Uganda, which employed him, decided against it.

The colonial legislature in Uganda rejected the additional flooding based on opposition by regional officials.³⁶ Fearing widespread resistance, the Commissioners of Uganda's Northern and Western Provinces urged the government not to exceed 20 m at Butiaba.³⁷ Howell wrote to London that Hawes was designing 'a compromise' between the interests of Uganda, Sudan and Egypt, in hydroelectricity, flood protection and storage, respectively.³⁸ Hawes and Howell, advisers to the government in Uganda, supported the maximal flooding of Lake Albert despite the opposition of some officials.

The sudden start of the Suez War in 1956 prompted CO officials in London to ask Howell for a memorandum that would influence discussions during the upheaval.³⁹ One week later, Hawes and Howell released 'The Equatorial Nile Project and the Nile Waters Agreement of 1929: Uganda's Case', based primarily on data from Gibb.⁴⁰ Soon, the East African Nile Waters Co-ordinating Committee, which Howell chaired, used the argumentation of 'Uganda's Case' plus Gibb surveys of Kenya and Tanganyika to establish the shared bargaining position for the colonial governments, i.e. 'East Africa's Case'.⁴¹ In the aftermath of the war, the upstream governments consolidated claims to irrigation water through work by Gibb and advisers in Uganda.

The proposal to flood Butiaba up to 25 m fitted into the British pursuit of alignment with newly independent Sudan following the Suez War and in view of an ongoing dispute between Egypt and Sudan over irrigation. When Hawes and Howell summarized the bargaining position of the government in Uganda, they examined the possibility of flooding Lake Albert up to 25 m at Butiaba.⁴² Hawes noted that Egypt's storage proposal required a level of 16.5 m and that additional flooding would be for flood control in southern Sudan.⁴³ Howell commissioned Sutcliffe – former head of the survey section of the JIT – to assess the proposal through 'a few weeks of field work'.⁴⁴ In the foreword to Sutcliffe's Lake Albert report, which became Volume II of 'Uganda's Case', Howell claimed that the benefits

³⁵ *Idem.*, undated, 'The Equatorial Nile and its Effects in the Sudan. Precis of Conclusions of the Jonglei Investigative Team', UKNA-CO 822/880/94/enclosure 1: Appendix I.

³⁶ Thornley to Mathieson, 5 June 1955, UKNA-CO 822/879/56.

³⁷ Northern Provincial Commissioner to the Ministry of Natural Resources, 28 March 1957, UKNA-CO 822/1413/62/enclosure. Western Provincial Commissioner to the Ministry of Natural Resources, 12 April 1957, UKNA-CO 822/1413/62/enclosure.

³⁸ Howell to Mathieson, 30 October 1955, UKNA-CO 822/880/94.

³⁹ Mathieson to Howell, 23 November 1956, UKNA-CO 822/881/314.

⁴⁰ 'Uganda's Case', pp. 17–18.

⁴¹ 'Second Meeting of the East African Nile Waters Co-Ordinating Committee Held at the Colonial Office on Wednesday 23rd May 1957'.

⁴² 'Uganda's Case', p. 11.

⁴³ Charles George Hawes, 14 January 1957, 'Appendix V: Hydrological Investigations Made in Connection with the White Nile Projects' in 'Uganda's Case', p. 1.

⁴⁴ 'Uganda's Case', p. 11. Howell, 'Foreword', p. v.

would outweigh the damages as most of the flooding would occur ‘where the prospects of economic development are at present the least promising’.⁴⁵ Although Sutcliffe conceded that ‘[f]looding to a level of 25 m. on the Butiaba gauge would necessitate moving about half the present population’ of the region, he argued that this would enable the government to use compensation money from the downstream governments to resettle the region in accordance with colonial designs. He claimed that the land would be more profitable as shallow-water fisheries fertilized with ‘hippo manure or other nutrients’ from tributary rivers.⁴⁶ In 1957, the colonial legislature in Entebbe authorized flooding Butiaba up to 25 m.⁴⁷ Speculative calculations spurred by Cold War politicking, the personal biases of their advisers and their desire to resettle the region under colonial planning informed their decision.

However, the British incorrectly guessed the stance Sudan would take towards Egypt. After the 1958 coup in Sudan, the downstream governments signed a revised NWA based on Sudanese agreement to host additional Egyptian infrastructure. Egypt and Sudan also established the Permanent Joint Technical Commission (PJTC), a unified body for relations with the upstream governments. While portraying themselves as mediators in downstream-upstream relations, FO officials tried leveraging the Owen Falls Dam to maintain British influence over Egypt, which controlled the Suez Canal. As an unattributed internal FO memorandum concluded, ‘the interests of the British territories are now the only unassailable justification for intervention [...] If those interests were fully satisfied the justification would no longer exist’.⁴⁸ The FO’s only pretexts for ‘intervention’ in Nile governance were the colonial governments’ interests in irrigation. The FO agreed to propose a meeting to the downstream governments.⁴⁹ The downstream governments agreed – not because of any improvement in Anglo-Egyptian relations, which as Britain’s Ambassador in Cairo noted were ‘as bad [...] as they had been for some time’.⁵⁰ Rather, a conference was possible because advisers in Uganda ‘maintain[ed] close and cordial relations with their opposite numbers’.⁵¹ Unofficial communications among advisers were more effective than formal diplomacy in the British breakage from the NWA.

5. Breaking from the NWA, 1959–1963: Unofficial communications and ambiguous silences

In 1961, the colonial governments and the PJTC began official talks about redividing the Nile. These were inconclusive, partly because during the transition to independence across East Africa the networking capacities of colonial advisers waned – albeit slowly.

⁴⁵ *Ibid.*, p. v.

⁴⁶ Sutcliffe et al., ‘The Equatorial Nile Project and the Nile Waters Agreement of 1929, vol. II’, pp. 20, 29.

⁴⁷ Howell to Mathieson, 1 May 1957, UKNA-CO822/1413/62.

⁴⁸ ‘The Nile’, n.d., UKNA-CO 822/1414/182/enclosure: p. 12.

⁴⁹ McKenzie, 29 December 1959, ‘Memorandum by the Minister for Agriculture, Animal Husbandry and Water Resources’, UKNA-CO 822/2202/4.

⁵⁰ Undated, ‘East African Requirements of Nile Waters’, UKNA-CO 822/2202/65/enclosure B.

⁵¹ Mackenzie, 19 July 1960, ‘Memorandum by the Minister for Agriculture, Animal Husbandry and Water Resources’, UKNA-CO 822/2202/36.

Nonetheless, the British had already broken from the NWA through ‘unofficial’ correspondence bypassing the diplomatic process for ensuring compliance. Uncertainty about the amount of water in Lake Victoria and the incompleteness of the information that the independent governments had about their colonial predecessors limited the attention that irrigation under the British drew.

Officials projected East Africa’s requirements for irrigation based not only on calculations by Gibb but also on applications by investors. The governments in East Africa had received such applications by 1955.⁵² Under the NWA, the British could petition Egypt for irrigation water. However, officials in East Africa complained that the system for doing so was ‘slow and cumbersome’: they had to ask the Secretary of State for the Colonies to ask the FO to task diplomats with petitioning for water.⁵³ The governments in East Africa began pushing for basin-wide talks on behalf of investors, whom advisers feared would look elsewhere if their applications were not approved soon.⁵⁴

The government in Uganda also wanted to alter the Owen Falls Dam Agreement regarding discharge levels to generate more electricity. The governments in Kenya and Tanganyika approved; all that remained was PJTC agreement.⁵⁵ Howell wanted this issue addressed separately from irrigation, ostensibly for expediency.⁵⁶ Perhaps he wanted the question of Lake Albert reserved to bargain for Uganda’s proposal regarding electricity. Regardless, the FO refused to make separate approaches. A CO official wrote that the FO worried this would confuse the situation and make the downstream countries suspicious.⁵⁷ The government in Uganda was unable to separate its claims – and bargaining factors – from those of the other governments in East Africa. The colonial governments would break from the NWA together.

In August 1959, the upstream governments sent a combined claim to the downstream governments. They noted that Gibb surveys indicated an immediate need for 1.704 billion cubic metres of irrigation water in East Africa per year.⁵⁸ CO and FO officials collaborated in writing the claim, ‘drafted (on the advice of the Foreign Office) in such a way as to avoid any indication that H[er] M[ajesty’s] G[overnment] continued to recognise the 1929 Agreement’.⁵⁹ They received no official reply. On 8 November 1959, Egypt and Sudan signed a new NWA. Nonetheless, the colonial and metropolitan British governments had already stopped recognizing the NWA before the downstream governments created a new one.

Furthermore, the colonial governments were circumventing the system for ensuring NWA compliance. On unspecified dates between 12 August and 10 December 1959,

⁵² T.E. Bromley to Fisher, 10 August 1955, UKNA-CO 822/879/71/enclosure: p. 2.

⁵³ Mackenzie, 1960, ‘Memorandum by the Minister for Agriculture, Animal Husbandry and Water Resources’.

⁵⁴ Edwards to Howell, 17 May 1960, UKNA-CO 822/2202/27.

⁵⁵ 17 February 1960, ‘Memorandum by Minister of Commerce and Industry’, UKNA-CO 822/2202/10/enclosure.

⁵⁶ Howell to D.G. Reid, 18 February 1960, UKNA-CO 822/2202/10.

⁵⁷ Reid to Howell, 21 March 1960, UKNA-CO 822/2202/23.

⁵⁸ Stacpoole, 21 September 1960, UKNA-CO 822/2202, minute regarding folio 52.

⁵⁹ 23 February 1960, ‘Further Action Following Presentation of Minimum Requirements in the Note of 12.8.1959’, UKNA-CO 822/2202/14/enclosure.

unspecified officials in Uganda made ‘a direct unofficial approach [...] to downstream users at technical levels’ about investors’ proposals. Downstream advisers did not object to the upstream plans.⁶⁰ The Secretary of State for the Colonies granted authority to irrigation permits under one cusec.⁶¹ Officials ‘proceeded where necessary to issue water permits’.⁶² The governments in East Africa received no objection from technical advisers to irrigating with Nile waters.

Yet – as with Hawes’s suggestion about leveraging the Owen Falls Dam to redivide the Nile and numerous other undertakings by technical advisers (Collins, 1990; Mitchell, 2004; Waterbury, 1979) – it was not a purely technical issue. The NWA stipulated that ‘[e]xcept with the prior consent of the Egyptian Government, no irrigation works shall be undertaken [...] which could jeopardize the interests of Egypt either by reducing the quantity of water flowing into Egypt or appreciably changing the date of its flow or causing its level to drop’.⁶³ The permits were small, and roughly half of the water would have evaporated in southern Sudan otherwise, which helped make downstream officials amenable to them. Regardless, unofficial communications enabled projects that the CO would have had difficulty justifying to the FO before the British stopped recognizing the NWA – and for which they bypassed the FO anyway.

Additionally, the permits were feasible partly because of the limits of advisers’ knowledge about the amount of water in Lake Victoria. By 1960, advisers representing Sudan noted that the formulas that advisers in Uganda had proposed – focusing on the outflow at Owen Falls – would not account for the large fluctuations in evaporation and precipitation over this equatorial lake. They questioned whether the water levels they calculated would be ‘real’.⁶⁴ The Director of the Water Development Department in Uganda replied, ‘I defy anybody to define anything “realer” expressed in terms sufficiently direct to form the basis of an agreement negotiated by administrators with different interests and speaking different languages’. However, he acknowledged that the calculations could ‘becom[e] progressively unreal’ as inaccuracies accumulated over time.⁶⁵ Advisers could not determine whether changes in the amount of water received downstream were because of irrigation upstream or fluctuations in evaporation and precipitation, giving cover to the governments in East Africa.

In 1961, amidst ongoing international discussions about the Nile, Tanganyika became the first East African country to gain independence from Britain. During the final months of colonialism there, its Acting Governor told the Secretary of State for the Colonies that the government in Tanganyika would attend the downstream-upstream talks but

⁶⁰ P.M. Renison to Iain Macleod, 13 August 1960, UKNA-CO/822/2202/37.

⁶¹ Edwards to Howell, 17 May 1960, UKNA-CO 822/2202/27.

⁶² Howell to Reid, 23 February 1960, UKNA-CO 822/2202/14/enclosure.

⁶³ ‘Exchange of Notes between Her Majesty’s Government in the United Kingdom and the Egyptian Government on the Use of Waters of the Nile for Irrigation’, Article 4(ii).

⁶⁴ William Nimmo Allan to M. Grehan, 11 August 1960, DUSC-SAD.592/2/90.

⁶⁵ Grehan to Allan, 17 August 1960, DUSC-SAD.592/3/50.

could not commit to resolutions.⁶⁶ He wrote again, emphasizing that they would send ‘an independent Delegation’.⁶⁷ Howell gathered this delegation to ensure they would ‘say the same thing as the other Territories even though with a separate voice’.⁶⁸ At the talks, representatives of Tanganyika said they ‘must be treated independently’ from the other governments and could not determine long-term goals, being weeks from independence. Yet, owing to technical limitations, the representatives of Kenya and Uganda did not state long-term goals either.⁶⁹ PJTC representatives agreed to review the ‘immediate’ claims of the governments in Kenya and Uganda regarding irrigation and said they would discuss the question of East Africa’s ultimate requirements later.⁷⁰ The 1961 talks accomplished little. Nonetheless, the colonial and metropolitan British governments had already broken from the NWA – including by issuing Kakira’s 85-cusec permit one month before the official talks started.⁷¹

After the 1961 downstream-upstream talks, the governments in East Africa met in Tanganyika. They discussed how Tanganyikan independence, Ugandan independence being scheduled for four months later and continued mobilization for Kenyan independence would affect the 1962 talks. They removed Howell as president of the East Africa delegation, although they agreed that he could still advise them.⁷² British influence in Nile governance declined slowly through the transition to independence.

In the weeks before Uganda gained independence, CO officials conflicted with representatives of independent Tanganyika about London’s involvement. J.W. Stacpoole (a CO official in London) asked D.S. Ferguson (consultant to the combined East Africa delegation and Howell’s future colleague at the FO) for information about preparations for the 1962 talks. Ferguson replied that Uganda and Tanganyika no longer regarded Britain as having a legitimate interest in the Nile.⁷³ Stacpoole then contacted advisers in Kenya and Uganda, which were still British territories. M. Grehan (Director of the Water Development Department in Uganda and another future FO colleague) discussed Stacpoole’s request with the Chairman of Kenya’s Water Resources Authority. They agreed that reporting directly to London could lead to an international ‘incident’. Instead, they sent a report to Ferguson, who forwarded it to Stacpoole.⁷⁴ British advisers in Uganda and to the

⁶⁶ Richard G. Turnbull to Macleod, 28 August 1961, UKNA-CO 822/2203/219.

⁶⁷ Turnbull to Macleod, 30 September 1961, UKNA-CO 822/2203/266.

⁶⁸ Howell to R.S. Scrivener, 18 October 1961, UKNA-CO 822/2203/296.

⁶⁹ 16 October 1961, ‘Informal Talks Between the East African Delegation and the Permanent Joint Technical Commission for Nile Waters, 1st Meeting’, UKNA-CO 822/2203/303/enclosure: p. 8.

⁷⁰ 18 October 1961, ‘Informal Talks Between the East African Delegation and the Permanent Joint Technical Commission for Nile Waters, 4th Meeting’, UKNA-CO 822/2203/303/enclosure: p. 2.

⁷¹ Muirhead, ‘Permit to Take and Use Water’, p. 1.

⁷² 21 June 1962, ‘Minutes of a Meeting of Ministers from Kenya, Tanganyika and Uganda to Consider Questions Connected with the Nile waters held in the Conference Room, Ministry of Education, Dar-Es-Salaam’, UKNA-CO 822/2204/391/enclosure.

⁷³ Stacpoole, 10 August 1962, UKNA CO822/2204, minute regarding folio 385.

⁷⁴ Grehan to Stacpoole, 24 August 1962, UKNA-CO 822/2204/391. UKNA-CO 822/2204/391/enclosures.

delegation representing East Africa reneged on the agreement they had with representatives of independent Tanganyika that London's involvement was no longer legitimate.

The independent governments of Tanganyika and Uganda tried to limit British influence. In March 1963, they ended their involvement with Howell altogether.⁷⁵ The colonial Governor of Kenya, shortly before independence there, reported to the Secretary of State for the Colonies that 'Tanganyika and Uganda are [...] extremely susceptible to any suggestion of British dictation [...] and are particularly suspicious of British influence being exercised through Kenya [...] In addition [...] the relationships between the East African territories on the subject of the Nile waters are particularly delicate at the moment for other reasons'.⁷⁶ This is the final archived CO record of the discussion. Few officials anticipated the timing; the folder containing the governor's letter is labelled '1963–1965' but ends early 1963.⁷⁷ The formal talks changed little. Howell (1994, p. 103) wrote that the downstream governments 'failed to recognise East Africa's so-called immediate requirements'. Yet CO officials had already circumvented the FO to issue permits limited in size but not number, meaning that projects would proliferate if investors sponsored them. Furthermore, colonial officials did not always follow the size limitation.

In the changed political landscape following independence, East African officials experienced pressures from the downstream governments and international development agencies to recognize the NWA. Obote's Cabinet Minutes indicate that the Ugandan government remained silent to appease these outsiders while retaining the possibility of rejecting the treaty. Soon after independence, John W. Lwamafa, minister of mineral and water resources, updated Obote's cabinet 'in view of the anxiety' his colleagues had expressed about the topic. He reported that in 1959 the colonial governments had written to Egypt and Sudan claiming a share of Nile waters 'but no reply was received. By the middle of 1960, the need to issue permits was becoming increasingly urgent and a further Note was sent suggesting that a conference be held to discuss all outstanding technical questions'.⁷⁸ Despite colonial advisers' unofficial communications, Obote's cabinet heard that there were no downstream-upstream communications regarding permits between the 1959 notification and the inconclusive formal talks.

Lwamafa proposed ambiguous silence, arguing that while Egypt and Sudan signalled that they would allow some irrigation, the NWA remained a potential limitation. He reported that, in '[n]egotiations at present', the downstream governments 'indicated no exception whatever would be taken to normal developmental projects which would entail the abstraction of water from the Upper Nile system. In these circumstances, it is considered better tactics not to repudiate the 1929 Agreement, but to retain the chance of doing so [as] a strong bargaining factor'. This was because the downstream governments 'want long-term storage facilities in the Uganda Lakes' – and '[f]uture water development projects in

⁷⁵ Edwards to Howell, 9 March 1963, UKNA, Foreign Office ('UKNA-FO') 371/172812/2.

⁷⁶ Malcolm MacDonald to Duncan Sandys, 18 March 1963, UKNA-CO 822/3186/2.

⁷⁷ UKNA-CO 822/3168.

⁷⁸ Minister of Water and Natural Resources, 'Nile Waters Negotiations', 15 January 1963, UNA, President's Office – Confidential Collection, 77/004, CT (1963) 16: p. 2.

this country will almost certainly be either wholly or in part financed from international sources'.⁷⁹ The idea that the colonial governments received no reply regarding permits was a key premise shaping the compromised approach of independent Uganda.

For early independent officials, ambiguous silence maintained options. They preferred minimizing conflict, relying on the tacit understanding that their impacts on Egypt were incalculable. This incalculability was partly because of the small volume of irrigation upstream but also because of the large fluctuations in evaporation and precipitation over Lake Victoria. In the coming decades, the governments in the Nile created Egypt- and Uganda-based forums for addressing these technical and political questions. These forums have been effective in producing technical knowledge but generated few diplomatic changes until the 2010 CFA (Brunnée & Toope, 2002; Collins, 1990, p. 274; Okidi, 1980, pp. 432–433; Onencan & Van de Walle, 2018; Waterbury, 2002, pp. 76–77). Meanwhile, former colonial officials shaped understandings of Nile governance through their work for the FO and in academia.

6. Framing Nile governance: International development and Development Studies

British advisers, particularly those in Uganda, gained sufficiently strong positions in Nile governance to outlast the administrations that had brought them to the basin. In the postcolonial era, Gibb continued consulting there and in 1990 reconstituted as GIBB International, including a subsidiary called GIBB Africa. Moreover, key former officials gained new positions in developmentalist networks. Howell and other former CO officials joined the FO protecting London's interests in the Nile. They later produced scholarship about the preceding history – with key omissions.

Gibb's other activities in the Nile basin included a 1953 survey of the Blue and White Niles (Tvedt, 2004, p. 199), work culminating in a 1966 report about the Roseires reservoir in Sudan and the Sudanese Master Plan for 1980–2000 (Khalid, 1984, p. 20). GIBB Africa has overseen construction projects worth 'over US\$900 million in East Africa, Southern Africa and Middle Eastern countries'.⁸⁰ These include the irrigated Shinyanga Project in Tanzania, which scholars identify as a milestone in East Africa's rejection of the NWA (Knobelsdorf, 2006, p. 636; Lumumba, 2007, p. 20; Okoth, 2007, pp. 90–91; Salman, 2013, p. 25; Tvedt, 2010, pp. 63, 196). Gibb representatives also contributed to an academic volume (Howell & Allan, 1994) framing Nile governance going into the twenty-first century.

Although some CO officials transitioned directly into academia (Kirk-Greene, 2001), others worked for the FO first. Ferguson and Grehan joined Howell at the FO's Development Division, where they promoted British influence by advising on projects 'large enough to make an appreciable impact on official and public opinion' in the Middle East.⁸¹

⁷⁹ *Ibid.*, p. 3.

⁸⁰ 'GIBB Africa Ltd', Devex, Retrieved from 21 January 2021, <https://www.devex.com/organizations/gibb-africa-ltd-22668>.

⁸¹ Grehan to R.A. Daniell, 26 July 1963, UKNA-FO 371/172812/3.

After colonialism, Howell and other former officials gained new positions protecting London's interests regarding the Nile.

Later, Howell continued protecting London's interests through academia. In 1969, he retired from the FO and returned to Cambridge as the Director of Development Studies as well as the Director of the Cambridge Course on Development for overseas fellows.⁸² While there, he co-edited a volume about Nile governance. Former colonial officials, contemporary African government officials and three Gibb representatives contributed to it (Howell & Allan, 1994, p. xv). Howell's chapters in this volume historicize Nile governance during the late colonial era.

Regarding the debate about Lake Albert, Howell wrote, 'Uganda [...] had come to consider what bargaining factors were available, factors which she was, incidentally, prepared to use for the benefit of East Africa as a whole' – and that '[d]espite opposition from local administrators, who thought that the proposals when understood would meet with strong local opposition, it was reckoned that the economic effects would not be all that damaging' (Howell, 1994, pp. 86–88). Howell's use of the passive voice elided his role supporting the proposal to flood Lake Albert in conjunction with another contributor to the 1994 volume – Sutcliffe – including their prior advocacy for the proposal as leaders of the JIT. Furthermore, asserting that the plan would benefit 'East Africa as a whole' obscured the significance of southern Sudan in it.

Regarding the British statement ending recognition of the NWA, Howell wrote, '[t]he British Government and the East African territories had frequently considered simply ignoring the Agreement by helping themselves to the water [...] The trouble was that they were not yet ready to abstract water in any quantity; irrigation schemes awaited experimentation and trial' (Howell, 1994, p. 96). He did not give an example of when the governments had considered ignoring the NWA. However, the deliberations in 1956 regarding the 1.19-cusec project included this consideration. It is unclear what distinguished this project from subsequent ones that CO officials approved, especially Kakira's 85-cusec permit, after bypassing the process for ensuring treaty compliance. Howell did not explain the extent to which the colonial governments' approach changed in 1959. These omissions have enabled ambiguity in knowledge about historical Nile governance.

7. Conclusion: Rehistoricization and present governance

Rehistoricizing colonial East Africa enables rethinking present Nile governance. The colonial governments stopped recognizing and started circumventing the NWA before independence. Their breakage from the NWA makes the concepts of the Nyerere Doctrine, *tabula rasa* and universal succession irrelevant to irrigation under the independent governments. Yet ambiguities in historical and technical knowledge have limited discussion about irrigation upstream. In connection with the discussion about redividing irrigation water, officials in Uganda agreed to flood Lake Albert following 'a few weeks of field work' shaped by Cold War politicking, the personal biases of their advisers and their

⁸² Reginald Ernest Prentice to Howell, 16 September 1969, DUSC-SAD.77/1/143-144.

desire to resettle the region under colonial planning. Analysing the records of colonial officials in Uganda and their subsequent careering offers a new perspective on CFA-NWA tensions and on the long-standing proposal to flood Lake Albert. Their work indicates the centrality of Uganda in Nile governance during the late colonial era, as well as the need to study how colonialism and postcolonialism have shaped scholarship about the Nile.

Initially, the independent government of Uganda maintained ambiguous silence regarding the NWA to navigate relations with foreign powers. This approach began under Obote, whom Lwamafa advised to remain silent to maximize opportunities for international funding, based partly on the misleading premise that the colonial governments received no reply to their notification of an immediate need for irrigation water. The Ugandan government continued this approach for much of its history (Tvedt, 2010, p. 10). However, in 2010, the CFA signalled a move away from the NWA by the governments around Lake Victoria. Its signing in Entebbe recreated the Uganda-centred upstream-downstream division of the late colonial era – but with broader alignment among the upstream governments compared to how the Belgians, British and Ethiopians had kept their claims separate. The completion of the Grand Ethiopian Renaissance Dam will strengthen the upstream position further. While the CFA and NWA structure political tensions, two Entebbe-based organizations – the intergovernmental Nile Basin Initiative and an NGO, Nile Basin Discourse – facilitate technical cooperation (Beyene et al., 2018, pp. 163–164; Brunnée & Toope, 2002, pp. 137–141). The centrality of the government of Uganda in these networks has allowed it to gain greater control over Nile governance than it had at the start of independence, reproducing some of the influence held by advisers there during the late colonial era.

Meanwhile, based on interest in downstream flood control, the long-standing proposal to flood Lake Albert has garnered discussion independently of the debate about redividing irrigation waters. This proposal became part of the bargaining position of the government in Uganda despite potential impacts there. Scholars reproduce it uncritically (Moges & Gebremichael, 2014, p. 354; Waterbury, 1987, p. 101, 2002, p. 164; Whittington et al., 2005, p. 228). Yet another long-standing proposal by outsiders to resettle the region may soon displace it: oil extraction. Investors are on the verge of starting a pipeline with a ‘Resettlement Action Plan’, the Ugandan section of which outlines the displacement of people from 179 villages across ten districts.⁸³ This would expand displacement associated with oil in the Lake Albert region (Ogwang & Vanclay, 2019). However, the possibility of building a refinery there remains uncertain.⁸⁴ Regardless of what becomes of the oil industry in Lake Albert, scholarship should oppose the long-standing proposal to resettle the region.

Furthermore, scholarship should question whether the new forms of intergovernmental and NGO networking in Nile governance benefit residents or outsiders. Under the ‘unofficial’ arrangements made by colonial advisers, investment became the limiting factor on irrigation upstream. Today, irrigation there expands primarily through land

⁸³ F. Musisi, ‘Oil Pipeline Company Starts Work Next Month’, *Monitor*, 3 August 2021, <https://www.monitor.co.ug/uganda/news/national/oil-pipeline-company-starts-work-next-month-3497050>.

⁸⁴ P. Murungi, ‘Is Uganda’s \$4b Oil Refinery a Viable Investment?’ *Monitor*, 24 August 2021, <https://www.monitor.co.ug/uganda/business/prosper/is-uganda-s-4b-oil-refinery-viable-investment--3522050?fbclid=IwAR0qSpNO1WLTjpwZbsCP2rwWaoQ6n3if4RGYpy-mTWa3HIIU1xeY4qYeMSg>.

purchases by foreign investors (Olanya, 2017, p. 83). Neoliberalism is accelerating this process region-wide – and since 1986 Uganda has had an extraordinarily neoliberal government (Wiegratz, Martiniello & Greco, 2018). Under these conditions, the growing influence of the Ugandan government is becoming a means by which foreign investors entrench outsider control of Nile waters in East Africa even after the end of the NWA.

Acknowledgements

This article benefited from the help of graduate students and faculty at Columbia University, the London School of Economics, Michigan State University and more universities; archivists and librarians in Uganda, the United Kingdom and the United States; and the external and special issue reviewers. The initial supervisors of this project, Taylor Sherman and Rhiannon Stephens, offered particularly generous insight. I am grateful for funding from the Hertog Global Strategy Initiative, as well as the African Studies Center, College of Social Science and Department of History at Michigan State University. I thank the Uganda National Council for Science and Technology for research clearance(#SS4339).

References

a. Archives

Durham University Special Collections

SAD.71/3

SAD.77/1

SAD.80/1

SAD.592/2-3

SAD.768/8-9

SAD.769/5

Uganda National Archives

President's Office – Confidential Collection, 77/004

United Kingdom National Archives

CO 822/879-881, /884, /1412-1414, /2202-2204, /3186

FO 371/172812

b. Publications

- Batstone, R. K. (1959). The utilisation of the Nile waters. *International and Comparative Law Quarterly*, 8(3), 523–558. <https://doi.org/10.1093/iclqaj/8.3.523>
- Beyene, E., Khan, A., & Ali, M. S. (2018). The dynamics of Ethiopia-Sudan relations of the hydro-politics of Nile. *Insight on Africa*, 10(2), 150–168. <https://doi.org/10.1177/0975087818772235>
- Biccum, A. R. (2005). Development and the 'new' imperialism: A reinvention of colonial discourse in DFID promotional literature. *Third World Quarterly*, 26(6), 1005–1020. <https://doi.org/10.1080/01436590500139656>
- Brunnée, J., & Toope, S. J. (2002). The changing Nile basin regime: Does law matter? *Harvard International Law Journal*, 43(1), 105–159.

- Collins, R. (1990). *The waters of the Nile: Hydropolitics and the Jonglei Canal, 1900–1988*. Oxford University Press.
- Cooke, B. (2003). A new continuity with colonial administration: Participation in development management. *Third World Quarterly*, 24(1), 47–61. <https://doi.org/10.1080/713701371>
- Craggs, R., & Neate, H. (2017). Post-colonial careering and urban policy mobility: Between Britain and Nigeria, 1945–1990. *Transactions of the Institute of British Geographers*, 42(1), 44–57. <https://doi.org/10.1111/tran.12147>
- Degefu, G. T. (2003). *The Nile: Historical, legal, and developmental perspectives: A warning for the twenty-first century*. Trafford.
- Deng, A. (1994). Obituary: Paul Philip Howell, D. Phil, CMG, OBE. *Cambridge Anthropology*, 17(1), 69–71.
- Godana, B. A. (1985). *Africa's shared water resources: Legal and institutional aspects of the Nile, Niger and Senegal river systems*. Frances Pinter.
- Hoag, H. (2013). *Developing the rivers of East and West Africa: An environmental history*. Bloomsbury.
- Hodge, J. M. (2007). *Triumph of the expert: Agrarian doctrines of development and the legacies of British Colonialism*. Ohio University Press.
- Hodge, J. M.. (2010). British Colonial expertise, post-colonial careering and the early history of international development. *Journal of Modern European History*, 8(1), 24–46.
- Howell, P. P. (1950). A comparative study of customary law among cattle-owning tribes of the Southern Sudan. D. Phil. Diss., University of Oxford.
- Howell, P. P. (1994). East Africa's water requirements: The equatorial Nile project and the Nile Waters Agreement of 1929, a brief historical review. In P. P. Howell & J. A. Allan (Eds.), *The Nile: Sharing a scarce resource: A historical and technical review of water management and of economic and legal issues* (pp. 81–108). Cambridge University Press.
- Howell, P. P., & Allan, J. A. (Eds.). (1994). *The Nile: Sharing a scarce resource: A historical and technical review of water management and of economic and legal issues*. Cambridge University Press.
- Kasimbazi, E. B. (2010). The impact of colonial agreements on the regulation of the waters of the river Nile. *Water International*, 35(6), 718–732. <https://doi.org/10.1080/02508060.2010.533642>
- Khalid, M. (1984). The Nile waters: The case for an integrated approach. In M. O. Beshir (Ed.), *The Nile Valley countries: Continuity & change* (Vol. 1, pp. 8–24). Institute of African and Asian Studies.
- Kirk-Greene, A. (2000). *Britain's imperial administrators, 1858–1966*. Macmillan.
- Kirk-Greene, A. (2001). Decolonization: The ultimate diaspora. *Journal of Contemporary History*, 36(1), 133–151. <https://doi.org/10.1177/002200940103600106>
- Knobelsdorf, V. (2006). The Nile Waters Agreements: Imposition and impacts of a transboundary legal system. *Columbia Journal of International Law*, 44(2), 622–648.
- Kothari, U. (2005). Authority and expertise: The professionalisation of international development and the ordering of dissent. *Antipode*, 37(3), 425–446. <https://doi.org/10.1111/j.0066-4812.2005.00505.x>
- Kothari, U. (2006a). From colonialism to development: Reflections of former colonial officers. *Commonwealth & Comparative Politics*, 44(1), 118–136. <https://doi.org/10.1080/14662040600624502>
- Kothari, U. (2006b). Spatial practices and imaginaries: Experiences of colonial officers and development professionals. *Singapore Journal of Tropical Geography*, 27(3), 235–253. <https://doi.org/10.1111/j.1467-9493.2006.00260.x>
- Kothari, U. (2019). From colonial administration to development studies: A post-colonial critique of the history of development studies. In U. Kothari (Ed.), *A radical history of development studies: Individuals, institutions, and ideologies* (pp. 47–66). Zed Books.
- Lumumba, P. L. O. (2007). The interpretation of the 1929 treaty and its legal relevance and implications for the stability of the region. *African Sociological Review*, 11(1), 10–24.
- McCaffrey, S. (2001). Selected case studies. In the Law of *international watercourses: Non-Navigational uses* (pp. 232–296). Oxford University Press.
- Mitchell, T. (2004). *Rule of experts: Egypt, techno-politics, modernity*. University of California Press.
- Modifications of Nile Waters Agreement. (1953[1952]). In *Documents on the Society of International Law*, Brochure No. 14.

- Moges, S. A., & Gebremichael, M. (2014). Climate change impacts and development-based adaptation pathway to the Nile River Basin. In A. M. Melesse et al. (Eds.), *Nile River Basin: Ecohydrological challenges, climate change and hydropolitics* (pp. 339–361). Springer.
- Mulira, J. (2010). Independent Uganda and the Nile: Hydroelectric projects and plans. In T. Tvedt (Ed.), *The river Nile in the post-colonial age: Conflict and cooperation among the Nile basin countries* (pp. 125–160). I.B. Tauris.
- Mutiti, M. A. B. (1976). *State succession to treaties in respect of newly independent African states*. East African Literature Bureau.
- Ntambirweki, J. (1996). Colonial treaties and legal regime of the Nile valley: Rethinking the legal framework into the twenty first century, with special emphasis on Uganda's interests. *Uganda Journal*, 44(2), 11–29.
- Ogwang, T., & Vanclay, F. (2019). Social impacts of land acquisition for oil and gas development in Uganda. *Land*, 8(7), 109. <https://doi.org/10.3390/land8070109>
- Okidi, C. O. (1980). Legal and policy regime of Lake Victoria and Nile basins. *Indian Journal of International Law*, 20(3), 395–447.
- Okoth, P. G. (2007). The Nile river question and the riparian states: Contextualising Uganda's foreign policy interests. *African Sociological Review*, 11(1), 81–94. <https://doi.org/10.4314/asr.v11i1.51444>
- Okoth-Owiro, A. (2004). *The Nile treaty: State succession and international treaty commitments, a case study of the Nile waters treaties*. Konrad Adenauer Foundation.
- Olanya, D. R. (2017). Land-water-security nexus: Changing geopolitics in the Nile basin cooperative framework agreement. *Middle East Law and Governance*, 9(1), 71–87. <https://doi.org/10.1163/18763375-00901006>
- Onencan, A. M., & Van de Walle, B. (2018). Equitable and reasonable utilization: Reconstructing the Nile basin water allocation dialogue. *Water*, 10(707), 1–31. <https://doi.org/10.3390/w10060707>
- Pompe, C. A. (1958). The Nile waters question. In J. van Asbeek et al. (Eds.) *Symbolae Verzijl* (pp. 275–294). Martinus Nijhoff.
- Salman, S. M. A. (2013). The Nile basin cooperative framework agreement: A peacefully unfolding African spring? *Water International*, 38(1), 17–29. <https://doi.org/10.1080/02508060.2013.744273>
- Salman, S. M. A. (2018). The Nile basin cooperative framework agreement: Disentangling the Gordian Knot. In Z. Yihgedo et al. (Eds.), *The grand Ethiopian renaissance dam and the Nile basin: Implications for Transboundary Water Cooperation* (pp. 18–40). Routledge.
- Tvedt, T. (2004). *The river Nile in the age of the British: Political ecology and the quest for economic power*. I.B. Tauris.
- Tvedt, T. (2010). About the importance of studying the modern history of the countries of the Nile basin in a Nile perspective. In T. Tvedt (Ed.), *The river Nile in the post-colonial age: Conflict and cooperation in the Nile basin countries* (pp. 1–12). I.B. Tauris.
- Waterbury, J. (1979). *Hydropolitics of the Nile Valley*. Syracuse University Press.
- Waterbury, J. (1987). Legal and institutional arrangements for managing water resources in the Nile basin. *International Journal of Water Resources Development*, 3(2), 92–104. <https://doi.org/10.1080/07900628708722337>
- Waterbury, J. (2002). *The Nile basin: National determinants of collective action*. Yale University Press.
- Whittington, D., Wu, X., & Sadoff, C. (2005). Water resources management in the Nile basin: The economic value of cooperation. *Water Policy*, 7(3), 225–252. <https://doi.org/10.2166/wp.2005.0015>
- Wiegatz, J., Martiniello, G., & Greco, E. (Eds.). (2018). *Uganda: The dynamics of neoliberal transformation*. Zed Books.
- Devex. *GIBB Africa Ltd*. Retrieved from 21 January 2021. <https://www.devex.com/organizations/gibb-africa-ltd-22668>
- International Water Law Project. (7 May 1929). *Exchange of notes between her Majesty's government in the United Kingdom and the Egyptian Government on the use of waters of the Nile for irrigation*. https://www.internationalwaterlaw.org/documents/regionaldocs/Egypt_UK_Nile_Agreement-1929.html
- Google Scholar. Citations of Howell and Allan (1994). Retrieved from 1 September 2021. https://scholar.google.com/scholar?cites=14249429538027649586&as_sdt=2005&scioldt=0,5&hl=en

- Murungi, P. (24 August 2021). Is Uganda's \$4b oil refinery a viable investment? *Monitor*. <https://www.monitor.co.ug/uganda/business/prosper/is-uganda-s-4b-oil-refinery-viable-investment--3522050?fbclid=IwAR0qSpNO1WLTjpwZbsCP2rwWaoQ6n3if4RGYpy-mTWa3HIIU1xeY4qYeMSg>
- Musisi, F. (3 August 2021). Oil pipeline company starts work next month. *Monitor*. <https://www.monitor.co.ug/uganda/news/national/oil-pipeline-company-starts-work-next-month-3497050>
- Uganda Electricity Generation Company Limited. Nalubaale Power Station. Retrieved from 12 February 2022. <https://www.uegcl.com/power-plants/nalubaale-power-station/>

